

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Juliet Kavanaugh on 26 July 2012.

The application has been amended as follows:

Claims 19-22 have been canceled.

In claim 1, line 1, replace "the" with --a--.

In claim 1, lines 1-2, delete "of claim 23".

In claim 1, before the "selecting" step, insert the step of "providing the pharmaceutical dispensing apparatus of claim 23;"

In claim 1, line 7, replace "in" with --of--.

In claim 8, line 1, replace "in" with --of--.

In claim 9, line 1, replace "in" with --of--.

In claim 10, line 1, replace "in" with --of--.

In claim 23, line 6, delete the first recitation of "to be".

In claim 26, lines 1-2, delete "wherein the pharmaceutical solution is contained in the fluid reservoir,".

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the instantly recited invention is not anticipated or made obvious by the prior art of record. The instant invention is drawn to a pharmaceutical dispensing apparatus, wherein a pharmaceutical solution contained in a fluid reservoir of a fluid dispenser includes an active pharmaceutical ingredient being any of digoxin, prednisolone, sulfamethoxazole, or reserpine and the pharmaceutical solution has a viscosity i) ranging from about 1.15 cps to about 1.44 cps, or ii) of 2.6 cps, and a fluid surface tension (a) ranging from about 29 dynes/cm to about 49 dynes/cm, (b) ranging from about 46 dynes/cm to about 54 dynes/cm, or (c) of about 62 dynes/cm.

Tokie (US 6,513,897; of record) is considered the closest prior art of record. Tokie discloses a thermal fluid dispensing system, wherein the dispensed material may include solvent-based solutions containing one or more additive components, such as pharmaceutical compounds. Tokie teaches that a typical fluid for thermal ink-jetting typically has a viscosity in the range of 3 to 5 centipoise.

Tokie fails to explicitly teach the exact viscosity and surface tension ranges instantly recited. Furthermore, Tokie passingly mentions including pharmaceutical compounds in the dispensed material and provides no guidance as to what particular types of pharmaceutical compounds may be included or what fluidic properties the pharmaceutical solution may have.

Thus, due to the shortcomings of Tokie, one of ordinary skill in the art would not have found it obvious to include the instantly recited active pharmaceutical ingredients (i.e. digoxin, prednisolone, sulfamethoxazole, or reserpine) in a pharmaceutical solution

for dispensing from a thermal fluid ejection device, wherein the pharmaceutical solution has the instantly recited viscosity and surface tension.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik B. Crawford whose telephone number is (571)270-1011. The examiner can normally be reached on Monday through Friday, 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Shibuya can be reached on (571)272-0806. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erik B. Crawford/
Examiner, Art Unit 1641

/Melanie J Yu/
Primary Examiner, Art Unit 1641